

**MINUTES  
of the  
SECOND MEETING  
of the  
LAND GRANT COMMITTEE**

**July 10-11, 2008  
Cañon de Carnue Land Grant Hall  
Cañon de Carnue Land Grant, New Mexico**

The second meeting of the interim Land Grant Committee was called to order by Senator Richard C. Martinez, chair, at 10:24 a.m. on Thursday, July 10, 2008, at the Cañon de Carnue Land Grant Hall in the Cañon de Carnue Land Grant, New Mexico.

**Present**

Sen. Richard C. Martinez, Chair  
Rep. Miguel P. Garcia, Vice Chair  
Rep. Paul C. Bandy (7/10)  
Rep. Thomas A. Garcia (7/10)  
Rep. Jimmie C. Hall  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella

**Absent**

Sen. Rod Adair  
Sen. Joseph J. Carraro  
Sen. James G. Taylor

**Advisory Members**

Sen. Bernadette M. Sanchez

Sen. Carlos R. Cisneros  
Rep. Justine Fox-Young  
Sen. Phil A. Griego  
Rep. Ben Lujan  
Sen. William E. Sharer  
Rep. Eric A. Youngberg

(Attendance dates are noted for those members not attending the entire meeting.)

**Staff**

Jon Boller, Legislative Council Service (LCS)  
Alicia Santos, LCS  
Tamar Stieber, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

All handouts are in the meeting file.

**Thursday, July 10**

**Welcome and Introductions**

Senator Martinez asked committee members to identify themselves. He introduced Dr. Manuel Garcia y Griego, director of the Southwest Hispanic Research Institute at the University of New Mexico (UNM), and explained that students from the program were filming the meeting. He asked if there were any objections. None was offered, and Senator Martinez introduced the first speaker, Macario Griego, president of the Cañon de Carnue Land Grant.

**Cañon de Carnue Land Grant**

Mr. Griego said the Cañon de Carnue Land Grant, commonly known as the Carnuel Land Grant, was settled in 1763 with 90,000 acres. Today only about 1,000 acres remain, of which he said the land grant manages 600 acres.

Mr. Griego described Cañon de Carnue as a "unique situation" compared to other land grants because its land is worth a lot of money — up to \$100,000 per acre — due to its proximity to Albuquerque and the interstate and because, with the help of capital outlay money, it is developing a 50-acre commercial/residential tract. It is also building a structure adjacent to the land grant hall at a cost, thus far, of \$100,000. He noted that Cañon de Carnue is one of the few land grants exercising the capital outlay process because, unlike most New Mexico land grants, it has a sizeable income — primarily from sand and gravel operations and leasing land for billboards and cell towers — and thus can afford to pay for capital projects up front and wait for reimbursement from the Department of Finance and Administration (DFA). It can also afford \$4,000 a year in liability insurance.

Mr. Griego said Cañon de Carnue collaborated with the neighboring Chililí Land Grant for a collaborative forest restoration grant from the North Central New Mexico Economic Development District (NCNMEDD). Juan Sanchez, president of the Chililí Land Grant and of the Land Grant Council, said most of the \$120,000 they received will be used to fund a required National Environmental Policy Act study that then makes them eligible for a piece of the \$5 million federal appropriation for communities to help restore forests. He said the land grants became eligible for federal money after acquiring political subdivision status as provided in Chapter 49, Article 1 NMSA 1978.

Mr. Griego suggested that other land grants look to Cañon de Carnue and Chililí as models of how collaboration can help them get funding for projects, though he said he is not "gung ho" about land grants relying on the federal government for help.

In response to questions from Representative Miguel Garcia, Mr. Griego said Cañon de Carnue will spend about \$50,000 to plan its commercial development, including hiring an architect and engineer. It will cost \$300,000 to comply with water and fire codes, he said, and another \$50,000 or \$60,000 for a sewer extension, which he said the Albuquerque Bernalillo

County Water Utility Authority is "pushing" despite an engineer's assessment that it is unnecessary.

Representative Miguel Garcia said Cañon de Carnue, as a political subdivision, can renegotiate its lease with the water authority. Because Cañon de Carnue granted the water authority an easement for the sewer, he suggested that it should be allowed to connect to the sewer line at a reduced cost. In years back, he said, local governments took advantage of land grants that negotiated in traditional ways without legal counsel. Now, he said, there is "nothing to hold you back in renegotiating your lease and seeking what's fair".

Mr. Griego said Cañon de Carnue lost much of its land to the U.S. Forest Service (USFS) during the creation of the agency, when the federal government took prime grazing and forest land and would not allow heirs access to those lands for traditional uses. As a result, he said, Cañon de Carnue lost the basis by which it supported itself. He said heirs went to work in town or went on welfare, and many people turned to drugs and alcohol. "It was a bad, bad move what the federal government did to us", he said. Because the government left them their streams and an acequia, people kept small farms and orchards. But when the highway came through, he said, the State Highway and Transportation Department knocked out their orchards and cut off the mountain streams that fed the acequias. He said the state had money and lawyers, but the land grant had neither, so the people "finally gave up and accepted it".

In response to a question from Representative Bandy, Mr. Griego said there are no grazing allotments, nor does the USFS allow heirs to harvest wood unless the trees are already down. As a result, the juniper and undergrowth are "growing like weeds", which he said is why there have been catastrophic forest fires such as the recent ones in Tajique and Trigo.

Mr. Griego said Cañon de Carnue does not yet have a water line, which is particularly problematic for the land grant because its septic tank is leaking into the wells. He said Cañon de Carnue worked out a deal to get water from Albuquerque, but after fighting with the state engineer over the deal, the land grant gave up. Now, he said, Cañon de Carnue is working with the water authority and is hoping to get water into the village within two years. Until then, he said, the land grant must depend on its own well system. He said the land grant must erect water tanks for the fire department, a project he said will cost between \$30,000 and \$40,000. Despite the high cost, Mr. Griego said he understands the need, especially since the land grant lost a couple of buildings to fire.

Responding to questions from Senator Sanchez, Mr. Griego said that the land grant board manages all of Cañon de Carnue's business as well as the land grant hall bar, which operates as a 501(c)(3) nonprofit entity. He said Cañon de Carnue earns between \$40,000 and \$50,000 a year and files income tax returns — one of the few land grants to do so. He said most of its revenue goes toward property taxes, insurance and, recently, legal fees to fight the state Department of Transportation (DOT) on the following two issues.

1. The DOT wants the land grant to pay for a fence along Interstate 40 to block bear, deer and other wildlife. The land grant maintains it should not have to pay for the fence.
2. The DOT recently condemned property within land grant borders and offered it up for public auction without giving Cañon de Carnue the right of first refusal, as is statutorily required for land grants with political subdivision status.

Representative Hall noted that the latter issue is of particular interest to the Land Grant Committee, which was successful in getting the state to return property to the Abiquiú Land Grant. He then asked about hunting on the land grant. Mr. Griego said there is none, though the land grant would like to get hunting licenses for heirs and sell bull elk licenses to outsiders for hunting north of the highway.

The committee moved, seconded and unanimously agreed to invite the DOT and the Department of Game and Fish to a subsequent interim meeting to discuss the issues Mr. Griego raised and resolve them in a friendly manner that is beneficial to the land grant.

Representative Miguel Garcia asked about Cañon de Carnue's ongoing study to create its own zoning. Mr. Griego said the plan is before the DFA. It was that plan, begun in 2003, and a law passed in 2004 that allowed the land grant to build its new structure without having to apply to the county for approval. Instead, the land grant held three advertised public meetings, after which the board approved the construction. Representative Garcia described the process as "empowering" and recommended that UNM's land grant studies program "exploit this monumental feat" so that other land grants with political subdivision status can use it as a model for their own planning.

Senator Ortiz y Pino asked why the village is called "Carnuel" and the land grant is called "Carnue". Mr. Griego explained that people and state agencies, especially in the nineteenth century, consistently mispronounced "Carnue" in a variety of different ways, usually by adding a "t" or some other consonant to the end of the name. So the land grant added an "l" to ensure consistent (mis)pronunciation. UNM's Dr. Garcia y Griego added that many people, including himself, grew up believing the name of the land grant was "Carnuel". It was only when he happened upon its original petition that he discovered the true name of the land grant: Cañon de Carnue .

Expressing sympathy for the capital outlay and liability insurance problems that land grants face, Senator Martinez said that Santa Cruz de la Cañada and other land grants have alleviated those problems by collaborating with county governments, which act as fiscal agents, rather than "jumping through the hoops you guys had to".

Bernalillo County Commissioner Michael Brasher, who is a disc jockey for KANW-FM radio, thanked the leaders of Cañon de Carnue for their economic development efforts and

concurred that fire and water, including ground water pollution from sewage, are critical issues for the land grant and the surrounding area.

### **State Auditor**

Evan Blackstone, general counsel for the Office of the State Auditor (OSA), sent State Auditor Hector Balderas' regrets and said he, along with audit managers Antonio Corrales and Steve Archibeque, would address the committee in Mr. Balderas' stead.

Mr. Blackstone explained that state law requires all agencies and political subdivisions of the state to undergo a financial audit. The OSA oversees audits of more than 600 entities, most conducted by independent auditors that have contracts with the state or local government. The audited entities bear the cost of the audit under state law, which he said presents a great financial burden for land grants and other small entities with limited resources. Some spend half or more of their budgets on the annual audit, which he said usually costs a minimum of \$3,000 to \$5,000.

Often, said Mr. Blackstone, smaller entities need training to conform with the audit laws, including how to keep their books. He said the OSA is working on a pilot project to offer financial training for mutual domestic water associations, which could be extended to land grants. The OSA has convened a task force to hear testimony from citizens across the state regarding the impact on and needs of their communities in complying with the audit requirement. He said the task force was to hold its first meeting on July 7 and expects to submit a report, including recommendations, by October 1. The task force will hear from representatives of land grants, acequias, mutual domestic water associations, etc.; from local and state officials; and from independent auditors who will provide expert testimony. He said the state auditor is adamant in wanting a "buy-in", i.e., a consensus, from communities on how to proceed. "This is a priority for him", Mr. Blackstone said, adding that Mr. Balderas wants to convey that he is committed to maintaining a dialogue with the Land Grant Committee. Senator Martinez expressed appreciation.

Mr. Blackstone acknowledged the OSA's receipt of a \$10,000 appropriation to help land grants comply with state audit requirements. He noted that it is a relatively small amount of money and said the OSA has not yet decided how to expend it, but that it will seek guidance from the task force on how to maximize the money. The OSA is also working with Arturo Archuleta, director of land grant services for the NCNMEDD, on getting matching money from that organization. He added that the OSA is committed to transparency.

Mr. Archibeque, senior manager, OSA, said he reviews the functions of all financial audits of every entity in the state. As of the date of the meeting, he said, no land grants have complied with the audit statute. By way of clarification, Senator Martinez noted that most audits are a year or two behind and, as such, land grants are late rather than out of compliance. Mr. Archibeque concurred.

Mr. Archibeque explained that an auditor has three objectives when doing an audit for the state: (1) expressing an opinion on the financial statements of the audited entity; (2) getting a clear understanding of the entity's internal controls, including the processing and recording of all financial transactions; and (3) determining whether an entity is complying with federal, state and local regulations in all contracts and other financial transactions that have a material impact on the entity. He said the OSA must approve each independent certified public accountant (CPA) conducting a state-required audit, noting that independent auditors perform 95 percent of all state-required audits and that the OSA reviews each one. He said the OSA has rejected many audits over the years because of errors and omissions.

Representative Hall said some land grants do not even earn \$1,000 per year and asked if the OSA requires that even they be audited. Mr. Archibeque said any entity that receives public funds, including grants, is subject to the annual audit requirement, despite its size or income. He noted, however, that the Audit Act has not been revised in many, many years and that it does not take into consideration small entities with little or no income. He said the OSA and the task force will make recommendations on amending the act to address those issues, including possibly exempting certain small entities from its requirements, requiring that they be audited every two years instead of annually or requiring them to present financial statements rather than undergoing a full-bore audit.

In the meantime, said Mr. Blackstone, while the OSA does not at present have the discretion to waive the annual audit, it is considering creating criteria that would effectively exempt certain entities. Mr. Archibeque said many other states do exempt entities from their audit requirements based on revenue. But until the Audit Act is amended, he said, local agencies usually must agree to submit an audit report before receiving grant money so the grantor understands the entity's financial situation. That would include land grants, mutual domestic water associations, acequia associations and other small entities with political subdivision status.

Representative Hall asked whether capital outlay money could fund an audit. Mr. Archibeque said he was not aware of audit fees being included in a capital outlay appropriation. Representative Rodella asked whether staff could investigate the question. Senator Martinez directed staff to ask the DFA if an audit can be considered an administrative expense for capital outlay requests, particularly if a county or a school board acts as the fiscal agent for an appropriation.

In response to questions from Representative Bandy, Mr. Archibeque acknowledged that the OSA is unable to identify all the entities in the state that must comply with the state's annual audit requirement. Once they appear on the audit list, they stay there. "But getting them on the list is a different story", he said. That usually occurs when the OSA finds out from a source that an entity is receiving public funds. But even in those cases, he said, it is difficult to make an entity get an annual audit when it cannot pay for one, and CPAs are reluctant to do an audit if they might not get paid. Sometimes, it is difficult to find a CPA to do an audit in a remote part of the state. These and other issues will be among the topics the task force will address, he said.

Representative Thomas Garcia asked what the task force's goal is for the \$10,000 appropriation for auditing land grants. Mr. Blackstone said the OSA is hoping for guidance from the task force on that issue, but has absolutely not delegated authority to the task force to spend the money. He said it will be the task force's mission to develop a work plan. Representative Thomas Garcia said it was the committee's mission that the \$10,000 appropriation would result in two land grant audits by the next legislative session. He said he does not want to see that money "bottled up" while the task force gathers information.

Representative Miguel Garcia asked whether land grants would be precluded from spending pending capital outlay money if they have not been audited while the OSA is deciding how to spend the \$10,000. Mr. Archibeque said the OSA needs to be sure that it is spending the money legally. He added that a political subdivision of the state does not have authority to expend capital outlay funds unless the DFA approves its annual budget, which it cannot do without an audit.

Representative Miguel Garcia said land grants do not operate with general funds; they are not a taxing entity like a municipality, school board or water district and cannot be "lumped" in the same category. They often have no money in their coffers, he said, and what little money they do have often comes from grazing allotments, leases to state agencies, cell towers, gravel operations, etc., which he described as private enterprise rather than tax money. He said the committee needs a concrete solution from the OSA so capital outlay funding to land grants is not put in jeopardy.

Representative Hall said it bothers him greatly that money appropriated for auditing land grants will be used for a task force. Mr. Blackstone assured Representative Hall that no dollars from that appropriation will be used for or by the task force and that the appropriation will be expended only for its designated purpose.

"That's what we wanted to hear", Senator Martinez said.

## **Recess**

The committee recessed for lunch at 12:30 p.m. and reconvened at 1:30 p.m.

## **State Entity to Manage Land Grants**

Mr. Sanchez of the Land Grant Council presented a draft bill called the Land Grant Support Act. The bill creates a new state agency to assist land grants with:

- É research and paperwork for political subdivision status;
- É budgets and complying with state audit requirements;
- É risk management issues; and
- É federal agencies like the Bureau of Land Management (BLM) and USFS.

Mr. Sanchez noted that the NCNMEDD has helped land grants with many of those issues, but that not all land grants fall within the organization's district. He said creating this new agency and putting it under the DFA would serve land grants well.

Mr. Boller said he has worked closely with Mr. Sanchez on this concept, primarily to get recognition for land grants from state and federal agencies. Often, he said, land grants fall through the cracks, especially after an administration change, when land grants find they are back to the same place they were four years earlier, i.e., dealing with people who do not know the issues and have to be brought up to speed. He said that the Land Grant Committee cannot help land grants with day-to-day issues.

Senator Sanchez said she encourages land grants to come forward and support the bill and wondered if it would be possible to merge the bill with another one creating a Department of Hispanic Affairs.

Representative Bandy said he was unclear about the difference between a land grant bureau and a land grant council, as defined in the bill. Mr. Boller explained that the bureau is the state agency while the council is an advisory committee, composed of all 24 land grants with political subdivision status, that would make recommendations to the bureau. Addressing other concerns of Representative Bandy, Mr. Boller said the bill could make it explicit that the land grant bureau be authorized to enter into memoranda of understanding (MOUs) with other state and federal agencies on behalf of land grants for such things as allowing *parciantes* to graze or gather wood on government land within a land grant's boundaries.

Representative Rodella said she concurs with the concept but wants to be sure of DFA support and that there will be sufficient funding to staff the bureau. Senator Martinez suggested inviting the DFA secretary to a future meeting to discuss the bill.

Representative Thomas Garcia suggested creating an executive committee that reports to the legislature and whose members are eligible for mileage and per diem.

Representative Miguel Garcia wondered if the entity could be created as a commission under the Governor's Office rather than a bureau with four layers of bureaucracy (the DFA, land grant bureau, land grant council and executive committee). Representative Rodella said a commission would not have the authority to enter into MOUs. Mr. Sanchez said he served on the Acequia Commission and found it very restrictive because it only met monthly and acted only in an advisory capacity. Mr. Boller said a bureau would have permanent, professional staff with access to the resources of a department that gets recurring funding.

Representative Miguel Garcia warned about discarding the notion of a commission, pointing to the Acequia Commission as a model. He said the governor "owes the land grants and owes the Hispano people in this state". He said the governor is more likely to approve funding for an entity under his auspices rather than one under the DFA. He said the Guadalupe Hidalgo



Treaty Division in the Office of the Attorney General is in a "protracted process" of approval. The committee needs to decide if it wants to pursue something else that will be protracted or something that will start off immediately, "even if it's not fully loaded with scud missiles and neutron bombs and cluster bombs", he said. "Maybe it's just a Fourth-of-July sparkler".

Senator Sanchez said she is worried about the size of the proposed Land Grant Council and thinks a smaller executive committee would be more manageable. She asked about funding and whether Mr. Sanchez has spoken to the governor about such a land grant agency. Mr. Sanchez said the governor approved a \$200,000 appropriation that remains unspent. Regarding the creation of a land grant agency, Mr. Sanchez said the governor told him, "*Yo le ayudo* (I will help you)". Senator Sanchez suggested he also speak with the secretary of finance and administration.

Representative Rodella directed Mr. Boller to find out if the \$200,000 appropriation can be used to support this bill.

### **Risk Management**

Mike Wilson, director, Risk Management Division (RMD), General Services Department, George McGeorge, RMD deputy finance director, and Al Duran, state property insurance appraiser, RMD, discussed the kinds and costs of liability coverage the RMD might be able to provide for land grants. Mr. Wilson said it would be similar to that provided for acequias through legislation passed in 2006, but would require amending the law to include land grants. He said he will direct the RMD's attorney to work with Mr. Boller to draft legislation for the committee's review. He said the RMD embraces the concept of including land grants in its liability coverage and will work to analyze the variables and determine an equitable premium.

Senator Ortiz y Pino asked if RMD rates would be lower than commercial insurance for land grants. Mr. Wilson said commercial companies would probably not even consider insuring land grants or acequias because they comprise too small a market. He stressed that land grants and acequias without liability insurance run enormous risks because members can be personally liable for damage to someone's person or property. While claims are few and far between, he said the exposure exists.

Mr. Wilson said that Mr. Duran would work with former Lieutenant Governor Roberto Mondragon, who was at the meeting, on sending a letter to land grants and acequias advising them that the RMD may be able to provide liability coverage.

### **Election Code Changes**

Mr. Boller presented to the committee draft legislation that would clarify election requirements for land grants with political subdivision status. The bill exempts land grants from certain requirements, such as early voting times and places, how to register voters and holding an election when there are no competitors for the open positions. Other potential conflicts for land

grants with the Election Code include that not all stakeholders are eligible to vote and not all eligible voters are residents of New Mexico.

Several committee members expressed confusion about who may vote in land grant elections. Mr. Boller said that land grants determine their own membership and who may vote. Mr. Sanchez said only an heir may vote and that an heir is defined by law. A member of the audience noted that he is heir to several land grants and wanted to know if he can vote in all their elections. Mr. Sanchez said it is up to each land grant to decide who may vote, but that if someone can prove heirship to eight land grants, for example, then that heir has a vote in each one.

Representative Miguel Garcia said the definition of an heir is "real clear"; that an heir is someone with ancestral and lineal rights and an interest in the common lands. He said some land grants have given voting rights to *vecinos* (neighbors) who have no ancestral link to the land grant but who have put up money to save a land grant from tax delinquency. He said that can be problematic when a "*gringo* artist comes in from New York, when someone is on their death bed, and the hippie from New York says, 'I'll give you fifty thousand dollars for your interest' and that guy now has the power to vote and has an *herencia*, an interest, in the commons".

Representative Rodella said she understands the intent behind the bill, but worries that it might create additional problems regarding provisional ballots, keeping a registry book, issuing election proclamations, etc. She said she is also concerned about the specificity of the language. Representative Rodella said she cannot get a straight answer when she calls the Secretary of State's Office because of the turnover in staff. She said that, based on her experience on the House Voters and Elections Committee, she is reluctant to endorse the bill at this point and suggested having someone from the Bureau of Elections meet with the committee to go over the provisions of the bill and make recommendations. Mr. Sanchez said someone from the Bureau of Elections said last year that land grants must follow the Election Code.

### **Manzano Land Grant Forest and Fire Issues**

Daniel Herrera and Gloria Zamora of the Manzano Land Grant spoke about the Trigo and Tajique fires there. Ms. Zamora described Manzano residents as people of strong faith and cultural values who are knowledgeable about and defenders of the land and water. She said their strong faith and will to survive protect them from fear. So residents refused to evacuate during the Trigo fire, which she said "does not make us fools, but heroes".

Ms. Zamora said that "outsiders, newcomers and intruders" do not understand that the land grant has its own watershed protection program and emergency response and soil conservation teams. Instead, they treat long-time residents like they are "ignorant hillbillies" and have instituted unnatural land management practices that have resulted in great damage to the area from the fires. However, she thanked the firefighters who worked so hard to put out the fires and called them "innocent victims". Noting that the Tajique fire was allegedly caused accidentally by a turkey hunter and that it destroyed 14,000 acres, she asked the committee to

consider laws that will prohibit hunting, hiking, picnicking and other potentially hazardous activities on the land grant during the fire season.

Mr. Herrera, who is on the land grant's board of trustees, said Manzano has shrunk from 48,000 acres to 17,050 acres since 1909, and only 110 acres of common land remain. He said the government turned much of the land grant into wilderness area without consulting the heirs and residents, and land that was once multiple-use became neglected, which he said is why catastrophic burns destroyed much of the forest under federal control while healthy burns did little damage to forest land managed by residents.

Senator Sanchez said she grew up in the area and that the surrounding land, including Manzano, is "precious" to her. She recalled federal representatives coming through the area and refusing to talk to community leaders, including her mother, who she said is on the central committee of the local Democratic Party.

Ms. Zamora said a private investigator caught a USFS employee using thousands of gallons of Manzano's domestic water for mulching and seeding without getting permission from the land grant. Mr. Herrera said that is typical because the USFS disregards the heirs.

Noting that Manzano has been reluctant to talk to the committee, Senator Sanchez suggested that the committee arrange a meeting between the land grant and the USFS. Ms. Zamora said heirs, including board members, fear that talking to the government will lead to a bad outcome. Mr. Herrera agreed, saying that the land grant "loses things" when it gets involved with a governmental body.

Representative Rodella asked about a fence separating the land grant from the forest. Mr. Herrera said the USFS wants the land grant to help repair the fence, which was badly burned by fire. He said there is nothing in writing; that the land grant and the USFS had a "formal meeting with an informal proposal".

A man from the audience said the fence is to keep land grant heirs out of the forest. "That mountain belongs to us", he said. "It does not belong to the government. They fenced it without permission". He said the land grant has no use for a fence because it has no livestock. "The way I see it, if they want a fence, they can build their own fence", he said.

Representative Rodella proposed having USFS representatives appear before the committee so members could question them on those and other issues. She called it "totally absurd" that the land grant should pay for repairing a fence it does not want. She suggested that the land grant start using the forest land. "It was yours to begin with", she said. She added that the committee has been trying to get the USFS to be more cooperative with the land grant community, including allowing heirs to gather firewood, especially with a harsh winter coming. She directed Mr. Boller to draft a letter to the USFS asking it to open the forest to land grant heirs and to explain its position on the fence.

Representative Rodella expressed frustration that, despite the Land Grant Committee explaining to the USFS that land grants know how to take care of the environment, the agency has taken over the forests and the forests have "gone to heck". Ms. Zamora agreed, saying the USFS prescribes fires in the wrong season and the deer are "shaking in fear".

Mr. Herrera said he thought the USFS allowed itself to be influenced by people from back east who wanted to turn land grant property into wilderness areas. He said that is what caused the catastrophic undergrowth that fueled the recent fires. He added that the land grant heirs will defend their land and their property.

Senator Martinez said the committee has heard similar stories all over the State of New Mexico, calling such situations an "injustice".

#### **Recess**

The committee recessed at 4:30 p.m.

#### **Friday, July 11**

#### **Tour**

The committee reconvened at 9:00 a.m. for a tour of Manzano, Tajique and Torreon.